

**AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheets" of drawings include changes to Figures 60 and 61. The attached "Replacement Sheets," which includes Figures 60 and 61, replace the original sheets including said figures.

Attachment: Replacement Sheets

## **REMARKS**

Claims 1-10, 13-15, 17-33, and 40-74 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **DRAWINGS**

The drawings stand objected to for certain informalities. Applicant has attached revised drawings for the Examiner's approval. In the "Replacement Sheets," Applicant has made the requested corrections to Figures 60 and 61. Figure 31 has not been amended because the drawing relates to the embodiment discussed in claims 34 to 39 which have been cancelled herein. Applicant believes the objections to the drawings have been adequately addressed.

## **CLAIM OBJECTIONS**

Claims 8, 23, 30, 31, and 52-56 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Claims 9, 10, 18, 21, 25, 33, 39, 47, 57, 69, and 74 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claims. Applicant has made appropriate corrections, as applicable, to the claims mentioned above. These revisions should render the rejections moot.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 5, 6, 16, 34, and 35 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant has made appropriate corrections to claims 5 and 6 and cancelled claims 16, 34, and 35. These revisions should render the rejections moot.

### **REJECTION UNDER 35 U.S.C. § 103**

Eight groups of claims were carefully examined based on the same number of Japanese base applications. Applicant's remarks for these groups are listed below with the corresponding objections made by the Examiner.

#### Group 1 (Claims 1 to 109) corresponding to Japanese Base Application No. 2002-355379

Claims 1 to 4 and 7 stand rejected under 35 U.S.C. § 103(a) as being obvious over EP1,229,692 (hereinafter called the '692 citation) in view of US 6,785,263 (hereinafter called Morinaga et al.) and US Publication No. 2002/0067725A (hereinafter called Oguchi et al.). Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being obvious over the '692 citation in view of Morinaga et al., Oguchi et al., and US Publication No. 2003/0117945A1 (hereinafter called Zboril et al.).

However, Applicant respectfully disagrees with the Examiner for the following reasons. In the present invention, the first signal format is Gigabit Ethernet or ATM, and the second signal format is SDH. The Applicant believes that Morinaga et al. could not

be an applicable citation since Morinaga et al. discloses a different technology associated with a protocol for selecting media, e.g. CODEC, among a plurality of GWs from that of the present invention.

The Examiner indicated that paragraphs [0065], [0067], [0083], [0085], and [0143] of Oguchi et al. disclose a user's device and a notifying section of the present invention. In summary, these paragraphs disclose "in order to determine which virtual router of the edge router is connected to the end of which level-2 tunnel, the virtual router on the edge router makes the label value of the level-2 tunnel correspond to an virtual I/F address of the destination virtual router which is the connecting destination of the tunnel..." and "The virtual routers having the same VPN-ID exchange the routing information of each other...".

In addition, "no data cells" disclosed in paragraph [0130] of Zboril et al. does not correspond to a vacancy of alternate converting operation of Claims 5 and 6 of the present Application.

Basically, the present invention relates to VPN achieved on a layer 1 on an optical network including OVPNs using WDM apparatuses. The present invention has an effect in which VPNID or an IP address can be allocated per wavelength, i.e., user's bandwidth can be allocated based on wavelength. More specifically, a wavelength ( $\lambda_1$ ,  $\lambda_2, \dots, \lambda_n$ ) can be correlated to signal format type (SDH, STM, etc.), and wavelength ( $\lambda_1$ ,  $\lambda_2, \dots, \lambda_n$ ) can be correlated to users (user 1, user 2...) by using the VPNID or the IP address as a key. Oguchi et al. and Zboril et al. cannot achieve this superior effect. Therefore, the present invention, interpreted with the initially-filed Claim 1, is unobvious over the combination of citations.

Group 2 (Claims 11 to 25) corresponding to Japanese Base Application No.  
2002-355437

Claims 11, 13, 16, and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Citation '692 in view of US 6,668,319B1 (hereinafter called Newell et al.) and US Publication No. 2003/0041167A1 (hereinafter called French et al.). Claims 12, 14, 15, 19, 20, and 24 stand rejected under 35 U.S.C. § 103(a) as being obvious over Citation '692 in view of Newell et al., French et al., and Morinaga et al. Claim 17 stands rejected under 35 U.S.C. § 103(a) as being obvious over Newell et al., French et al., and US 5,282,207 (hereinafter called Jurkevich et al.).

The Applicant has deleted Claims 11 and 12 and has incorporated the limitations of Claim 16. This configuration can obtain the advantageous effect of facilitating frequent change in controlling signal format type. This effect cannot be obtained by combining the aforementioned citations. Therefore, the currently-amended Claim 13 has inventiveness over the combination of citations.

Group 3 (Claims 26 to 33) corresponding to Japanese Base Application No.  
2002-355418

Claims 26, 27, and 29 stand rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of Newell et al., French et al., and Morinaga et al. Claim 28 stands rejected under 35 U.S.C. § 103(a) as being obvious over Oguchi et al in view of the above citations. Claim 32 stands rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of Morinaga et al. and Oguchi et al.

The Applicant has amended Claim 26 to be dependent upon the currently-amended Claim 13.

Group 4 (Claims 34 to 39) corresponding to Japanese Base Application No. 2002-355397

The Applicant has cancelled this group of claims from the present application.

Group 5 (Claims 40 to 47) corresponding to Japanese Base Application No. 2002-355453

Claims 40, 43, and 46 stand rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of Oguchi et al. Claims 41, 42, 44, and 45 stand rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of Oguchi et al. and Takagi et al.

The Applicant has amended Claim 40 to be dependent upon the currently-amended Claim 13.

Group 6 (Claims 48 to 57) corresponding to Japanese Base Application No. 2002-355464

Claims 48 to 50 stand rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of Morinaga et al. and French et al. Claim 51 stands rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of Morinaga et al., French et al., and Newell et al.

The Applicant has amended Claim 48 to be dependent upon the currently-amended Claim 13.

Group 7 (Claims 58 to 69) corresponding to Japanese Base Application No. 2002-355485

Claims 58, 59, and 64 to 66 stand rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of US 7,021,113B2 (hereinafter called Miyabe et al.). Claims 60 to 63 stand rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of Miyabe et al., US 6,212,568B1 (hereinafter called Miller et al.), and Oguchi et al. Claim 67 stands rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of Miyabe et al., Oguchi et al., and US 6,392,990B1 (hereinafter called Tosey et al.).

Group 8 (Claims 70 to 74) corresponding to Japanese Base Application No. 2002-355498

Claims 70 to 73 stand rejected under 35 U.S.C. § 103(a) as being obvious over citation '692 in view of Oguchi et al. and Tosey et al.

This rejection is based on the same combination of citations as that of the Group 7. Therefore, the Applicant respectfully incorporates by reference the arguments provided in Group 7.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 25, 2008

By: /Gregory A. Stobbs/ \_\_\_\_\_  
Gregory A. Stobbs  
Reg. No. 28,764

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

GAS/dec